

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL TUCHS,)	
)	
Plaintiff,)	Civil No. 05-6082-TC
)	
v.)	FINDINGS AND
)	RECOMMENDATION
"COURT OF PROPERTIES" (sic),)	
)	
Defendant.)	
_____)	

COFFIN, Magistrate Judge.

Plaintiff's Application to Proceed In Forma Pauperis (#1)
is allowed.

Plaintiff filed a one page, typewritten document that is
completely incomprehensible and cannot reasonably be construed
as containing any sort of claim. Plaintiff also filed a
packet of other documents designated as "materials tendered
with complaint for consideration by the court."

A complaint filed *in forma pauperis* may be dismissed

before service of process if it is deemed frivolous under 28 U.S.C. §1915(d). Neitzke v. Williams, 490 U.S. 319, 324 (1989); Jackson v. State of Ariz., 885 F.2d 639, 640 (9th Cir. 1989). A complaint is frivolous "where it lacks an arguable basis in law or in fact." Neitzke, 490 U.S. at 325; Lopez v. Dept. of Health Services, 939 F.2d 881, 882 (9th Cir. 1991); Jackson, 885 F.2d at 640.

In determining whether a civil rights complaint is frivolous under § 1915(d), this court is mindful of the requirement to liberally construe the allegations of a *pro se* plaintiff and to afford the plaintiff the benefit of any doubt. Lopez, 939 F.2d at 883.

Plaintiff's "complaint" in this case lacks an arguable basis in law or fact. Accordingly, plaintiff's complaint should be dismissed. It is apparent that the deficiencies of the complaint cannot be cured by amendment. Therefore, the dismissal should be with prejudice.

DATED this 5th day of April, 2005.



Thomas M. Coffin
United States Magistrate Judge